

Minutes of the Land Use, Parks and Environment Committee - October 19, 2004

The meeting was called to order at 8:47 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings (arrived-8:50 a.m.), Pauline Jaske, Scott Klein, Bill Kramer, Daniel Pavelko, Vera Stroud

Staff Present: County Board Chief of Staff Lee Esler, Legislative Policy Advisors Mark Mader and Dave Krahn, Legis.Associate Sandra Meisenheimer

Also Present: Parks and Land Use Director Dale Shaver, Parks System Mgr. Jim Kavemeier, Planning & Zoning Manager Dick Mace, Co. Executive Chief of Staff Allison Bussler

Public Present: Allan Bohachek of Hartland, Bill Peebles of Oconomowoc, Dan Durbin of Menomonee Falls, Berle Pease of Dousman, Dale Arenz of Delafield, Jeff Namia of Portage, Donald Camplin of Dousman and Fred Welch of Oconomowoc

Approve Minutes of October 12, 2004

Motion: Kramer moved, second by Pavelko, to approve the minutes of 10/12/04. **Motion carried 5 – 0.**

Read Correspondence

Letter from Sheriff Trawicki who is in support of allowing some hunting where appropriate in areas of county-owned land, wetlands in particular, that would lend itself to either archery hunting or hunting involving other weapons including firearms.

Executive Committee Report by Walter Kolb

Kolb reported on the meeting of October 11, 2004 at which time they discussed the budgets of several departments (UW-EX, Non-Departmental, Federated Library, CDBG), as well as grant applications for UW-Extension and Federated Library. There was an update on the Historical Society's ownership of the old courthouse, and the Five-Year Capital Projects Plan was considered.

Presentation Requesting that Current Code Prohibiting Hunting on County Park Lands be Changed to Allow Hunting on County Park Lands

Donald Camplin (President of Waukesha County Conservation Alliance) stated the alliance consists of 18 clubs throughout the county. Their slogan is to preserve for future generations, and they work with the kids a lot with hunting safety courses. Some of their projects include kids fishing clinics, the Moose Lake project and Beaver Dam Lake project. A scholarship is also given out each year.

Allan Bohachek (Land Use Committee Chair of Waukesha County Conservation Alliance) submitted the signatures of 756 people for the record who are in support of their cause. He also distributed copies and reviewed an ordinance they wrote titled, "Modification of the Present County Code to Allow Public Hunting on Public Lands in Waukesha County, being requested by the Waukesha County Conservation Alliance." He stated the county does purchase land and spends money for golfers, bikers, ice skating, and baseball, and grooms trails for cross country skiing and fishing areas. He wonders what has been done for the hunter. He said they are not asking for money but rather for the ability to use fallow land which has been designated as safe and useable for the hunter. They are interested in lowland woods/marshes and feel based on State Statutes that there are lands that can and should be open to hunting.

Bill Peebles (Land Use Committee of Waukesha County Conservation Alliance) stated he owns a 250 acre dairy farm in the Town of Oconomowoc that has been in his family since the Civil War and borders the Ashippun River. For over 50 years the highlight for him every fall has been duck

hunting along the river, most of which is now owned by the county. He distributed an article from the Oconomowoc Focus titled, "County seeks grant for Ashippun Park." He stated over the last five years there have been an average of 1,200 graduates per year from hunter safety courses, which equates to 6,000 new hunters in Waukesha County. Last year almost \$95 million dollars was contributed, most of which came from hunting licenses. If there isn't any place for the hunters to go, there won't be the money. It's important to work together. The county has a unique opportunity because the lands in their ownership are safe from development. He stated we need to go one step further to make sure they are used by the public as well as owned by the public, and all compatible uses should be considered especially hunting.

Jeff Namia (Executive Director of WI Water Fowl Assn. in Hartland) stated there are 28 chapters in the State and several thousand members. People have the impression that hunting is no longer a worthwhile endeavor for kids, but there is a State discussion going on now on why kids aren't physically fit. Our generation has made it so, because it has become so entertaining to just stay at home. Truthfully, hunting is a good family sport and a good way to get physical exercise. It's a good way for kids to start to appreciate their environment. He stated that hunting and fishing bring \$3½ billion into the State every year, which is a conservative estimate. He hopes we consider that this is a good traditional endeavor. It is a good way for kids to spend their time and a good way for families to be together. The continuation of hunting is based on opportunity. If there isn't anywhere to go, people won't go.

Dale Arenz of the Town of Delafield (retired attorney and President of WI Water Fowl Assn.) stated he is the descendant of a pioneer family in Waukesha County. His great, great, great-grandfather settled in Waukesha County in 1848, and so he comes from a hunting environment. He feels strongly that we have to open up some of the county-owned lands for hunting. It's a good management tool and good for our kids.

Cummings said one of the comments she hears about is what is our liability? What exposure would this give to the county? That is the number one question. Arenz said as an attorney he was asked that question many times by farmers and land owners in the county when they allowed hunting on their property. The State of Wisconsin does have a statute that makes you immune from liability for recreational purposes on one's property.

Kolb said his question is how do you determine the responsible versus the irresponsible people? That is the issue that he personally has dealt with himself. Arenz replied that the hunter himself is often the best enforcement tool there is which the wardens will tell you.

To Bohachek's question, Kolb said from here it will go to staff who will research this issue. If they feel it is viable they will draft an ordinance. Shaver said the code has been in place since 1964 in not allowing any hunting on county-owned lands. Every four years they try to do a user survey of the parks and hunting has never come up as a top issue. Also, because of all the state land in the county is another reason they haven't focused on this issue. Shaver said it personally is not at the top of his list, but it could be slotted into the projects for next year. From a staff standpoint before they spend any time working on it, he would like some feedback from the committee. Ultimately this would require a code change to a long standing county policy. Shaver said even if the committee is interested in pursuing this, he couldn't give a timeline today. Kolb thanked everyone for coming and said he agrees with many of the comments.

Esler said he is here because he was just alerted by a phone call from Senator Mary Lazich. Today this agenda item is a presentation and if you want to discuss it further and have staff input, it should be agendized for a future agenda. Shaver said he talked to Senator Lazich this morning, and he does have a letter (unsigned at this point), which supports the request.

Kolb said he doesn't want to agendize this issue until staff is ready. Shaver said this is a policy issue. If you think you want to open up lands for hunting, there are a million different ways you can get there, but there also are a million different issues. Of the 7,900 acres of park land, they have to do an analysis of how many acres of those lands are already developed or would be considered under the definition of a park. Then of those 7,900 acres, there are several hundred that have tenancy agreements. These are some of the issues, and he would not be ready by November 2. However, it could be agendized for the committee to discuss and recommend.

Motion: Cummings moved, second by Pavelko, to agendize the aforementioned item for the next committee meeting of November 2, 2004. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 159-O-061 Approve Land Use Permit to City of Oconomowoc for Construction, Operation, and Maintenance of a Sanitary Sewer Main Within Waukesha County Lands

Kavemeier stated the fees associated with the permit are \$940. This is the type of land use permit that is used whenever the use of county land is requested that is not consistent with park and recreation uses.

Motion: Jaske moved, second by Kramer, to approve Ordinance 159-O-061. **Motion carried 6 – 0.**

Correspondence

Stroud distributed copies of an article from American City & County titled, "Laws for the Land – Communities are turning to landscape regulations to help conserve water." She stated there is a way to encourage developers and landowners to landscape so that it minimizes the use of underground water.

Report by Supervisor Jaske on the SE Wisconsin Land Conservation Tour in Washington County

Jaske gave a report on the tour she attended on Thursday, October 7. Land Resources Mgr. Perry Lindquist was also in attendance. Jaske reviewed the different sites that were visited. She said this is an all-day event that is informative and very interesting. Next year Waukesha County will be the host.

Consider Proposed Ordinance: 159-O-060 Amend the District Zoning Map of the Town of Waukesha Zoning Ordinance by Amending Exhibit "A" of the Town of Waukesha Zoning Code, Certain Lands Located in the SW ¼ of the SW ¼ of Section 10, T6N, R19R, Town of Waukesha (ZT-1237D)

Mace said this is an amendment in the Town of Waukesha at the intersection of Sunset Drive and Prairie Avenue. It will allow a fourth building on an out lot. There will not be another access on Prairie or Sunset. The Planning staff is recommending approval. They feel the proposed amendment has little adverse impact, if any, on the development of the site and does accommodate the development of a fourth free-standing building on the site. Mace added that there now is language in the amendment that says not more than 45,000 sq.ft. will be allowed for a grocery store.

Motion: Kramer moved, second by Pavelko, to approve Ordinance 159-O-060. **Motion carried 5 – 1; Cummings voting no.** She stated that she has some concerns and wants to go and look at it. She might change her mind and vote yes on the board floor.

Motion to adjourn: Pavelko moved, second by Kramer, to adjourn the meeting at 10:20 a.m.
Motion carried 6 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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